



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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### **Mishnah**

A city that has an idol and contains stores that are adorned (*for the idolatrous festival*) and stores that are not adorned was a case that presented itself in Beis Sha'an. The *Chachamim* said: One cannot deal with the stores that are adorned, while one can deal with the stores that are not adorned. (12b2)

### **Decorated Stores**

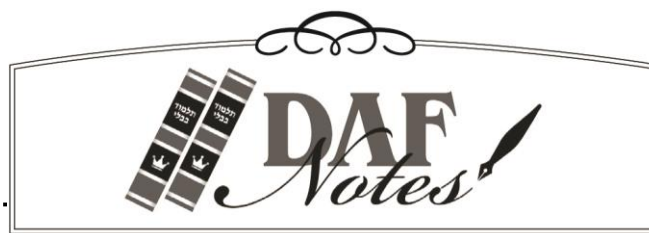
Rabbi Shimon ben Lakish says: This is only regarding stores that are adorned with roses and myrtle branches (*that were offered to their idol*), as a person who enters, has benefit from the smell. However, if it is adorned with fruits, it is permitted. This is as the verse says: *No part of the banned property may adhere to your hand*. This indicates that while it is forbidden to derive benefit from it, it is permitted to provide benefit to them. [*The Rashba explains that the benefit is not going directly to the idol, but rather from the storekeeper to the priest to the idol. He is therefore not responsible for the end result.*]

Rabbi Yochanan says: Even if they are decorated with fruit they are also forbidden. This may be derived through the following *kal vachomer* (*literally translated as light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case*): If it is forbidden to derive benefit from

these idolatrous articles, how much more so should it be forbidden to provide a benefit to an idol!

The *Gemara* asks on Rish Lakish from a *Baraisa*: Rabbi Nassan says: On the day when the waiver of the sales tax towards idolatrous purpose was made, the following proclamation was made: "Whoever will take a wreath and put it on his head and on the head of his donkey in honor of the idols, his tax will be waived; otherwise, his tax will not be waived." How should a Jew, who is present, act there? Shall he put it on? That means that he is deriving benefit from it (*the fragrance of the grasses and the herbs*)! Shall he not put it on? Then he will be providing a benefit to the idols (*by paying taxes towards idolatry*)! From here, it was said: If one conducts business in a market of idolaters - if he purchases animals, they should be uprooted; if he buys fruit, clothes or utensils, they should be allowed to decompose; money or metal vessels (*which cannot rot*) should be thrown into the Dead Sea. What is meant by uprooting? The cutting of the tendons of the hoofs beneath the hock. The *Baraisa* had stated: Shall he put it on? That means that he is deriving benefit from it! Shall he not put it on? Then he will be providing a benefit to the idols! [*This contradicts Rish Lakish's opinion!?*]

Rav Mesharsheya the son of Rav Idi said: Rabbi Shimon ben Lakish is of opinion that the Rabbis disagree with Rabbi Nassan, so that he can say: I stated my opinion according to the Rabbis who held the opposite view; whereas Rabbi Yochanan is of opinion that the Rabbis do not disagree with him.



The *Gemara* asks on Rabbi Yochanan: But how could Rabbi Yochanan think that they do not disagree? Was it not taught in a *Baraisa*: One may attend a fair of idolaters and buy of them cattle, menservants, maidservants, houses, fields and vineyards; one may even write the necessary documents and deposit them at their courts because thereby he, as it were, rescues [his property] from their hands. If he was a Kohen, he may incur the risk of defilement by going outside the Land [of Israel] for the purpose of arguing the matter with them and have it tried in court. And just as he may defile himself [by going] outside the Land, so he may become defiled by walking on a burial ground 'A burial ground'! How can that enter your mind? this is a defilement forbidden by Scripture! — What is meant is a *beis haperas*<sup>1</sup> which is only a Rabbinic prohibition. Likewise, one may incur similar defilement for the sake of studying the Torah or taking a wife. Rabbi Yehudah said: This applies only when he cannot find [a place elsewhere] for studying, but when one can manage to learn [elsewhere] one must not defile oneself; but Rabbi Yosi said: Even when one can manage to study [elsewhere] he may defile himself, for no man is so meritorious as to learn from any teacher. Rabbi Yosi said: There is the case of Yosef the Kohen who followed his master to Zidon. Whereupon Rabbi Yochanan [himself] said: The *halachah* is according to Rabbi Yosi. Hence the Sages do disagree!

Rabbi Yochanan may answer you as follows: The Rabbis do not indeed disagree [with Rabbi Nassan], yet there is no difficulty here: The one case refers to purchasing from a dealer, from whom the tax is exacted, the other case refers to purchasing from a private man from whom the tax is not exacted. (12b2 – 13a3)

<sup>1</sup> A field which has been plowed together with a grave it contained, which is to be regarded as tamei, on account of the crushed bones carried over it.

<sup>2</sup> It would be derogatory to an animal which was declared as sacred to be seen in its uprooted state, hence a quicker

The master stated: 'Cattle (that was acquired at a pagan fair) should be uprooted.' But is there not the prohibition of causing suffering to a living being? — Said Abaye: The Merciful One has said: Their horses you shall hamstring.

The master stated: 'What is meant by uprooting [cattle]? The cutting of the tendons beneath the ankle.' The following is cited as contradicting it: One should not consecrate anything, nor devote (as a *cherem*), or as set value upon nowadays; and if one did consecrate, devote or set value upon, then if it be cattle it should be uprooted, if produce, clothing or utensils they should be allowed to rot, if money or metal vessels, he should carry them to the Dead Sea. What is meant by uprooting? The door is locked in front of it, so that it dies of itself! — Said Abaye: That case is treated differently, so as [to avoid] despising sanctified things<sup>2</sup>. Then by all means let it be slaughtered! — That may lead to transgression<sup>3</sup>. Then let him split it in two! — Said Abaye: The Torah says: And you shall demolish their altars [etc.]. You shall not do this to Hashem your God.

Rava said: [Cutting its tendons is here avoided] because it seems like inflicting a blemish upon sanctified things. 'Seems!' This is surely a real blemish! — This could only be so termed while the Temple was in existence, so that the animal is fit for being offered up; but nowadays, since it cannot in any case be offered, the scriptural injunction does not apply.

The *Gemara* asks: But let it be regarded as inflicting a blemish upon a blemished animal which, even though such animal was not fit for a sacrificial purpose, is forbidden by Scripture!

means than hamstringing is resorted to.

<sup>3</sup> Lit. 'stumbling block'. Its flesh might be eaten, which, being sanctified, is forbidden.



The Gemara answers: Granted; an animal which had been blemished cannot itself be used for sacrifice, yet the money obtained for it may be so used; but our case is unlike it, in that neither its equivalent in money nor the animal itself is capable of being used for a sacrificial purpose.

Rabbi Yonah found Rabbi Ilai as he was standing at the gate of Tyre; he said to him: It is stated, cattle [bought at a pagan fair] should be uprooted; what about a slave? I am not asking about a Jewish slave; what I am asking about is a heathen slave — what is one to do? — The other replied: Why do you ask at all? It has been taught: As to idolaters and [Jewish] shepherds of small cattle, even though one is not bound to raise them out [of a pit], one must not throw them in [to a pit to endanger their lives]<sup>4</sup>. (13a3 – 13b2)

Rabbi Yirmiyah said to Rabbi Zeira: It was taught: We may buy of them cattle, menservants and maidservants, — Is this to be applied to a Jewish servant or to a heathen servant also? — Said he in reply: According to common sense, a Jewish servant [is meant]; for were it to apply to a heathen servant, what [meritorious] use could he make of him? When Ravin came, he said in the name of Rabbi Shimon ben Lakish: It may even apply to a heathen servant; because he brings him under the wings of the Shechinah.

Rav Ashi said: How then could the bringing under the wings of the Shechinah be applied to cattle? Rather, it is only because of diminishing [the possessions of the idolaters] that those are permitted; this also is permitted because of its diminishing effect.

Rabbi Yaakov once bought sandals, while Rabbi Yirmiyah bought bread. One of them said to the other: "Orphan, would your master do this?" The other rejoined: "Orphan, would your master do this?"

<sup>4</sup> It is therefore clear that to maim a heathen servant is forbidden.

The Gemara explains their thinking: Both in fact had bought of private men, but each one thought that the other had bought of a dealer; for Rabbi Abba the son of Rabbi Chiya bar Abba said: The prohibition was taught only in the case of buying of a dealer of whom tax is exacted, but the buying of a private person of whom no tax is exacted is permitted.

Rabbi Abba the son of Rabbi Chiya bar Abba said: Had Rabbi Yochanan been present at the time in that place where taxes were exacted even from private persons he would have forbidden [even such purchase]. How is it then that they made the purchase? — They bought of a private person who was not a permanent resident of the place. (13b2 – 13b3)

MISHNAH. The following things are forbidden to be sold to idolaters: iztroblin, bnos-shuah, stems, frankincense, and a white rooster. Rabbi Yehudah says: it is permitted to sell a white rooster to an idolater among other roosters; but if it be by itself, one should clip its toe and then sell it to him, because a defective [animal] is not sacrificed to an idol. As for other things, if they are not specified, their sale is permitted, but if specified, it is forbidden. Rabbi Meir says: Also a fine date palm, chatzav and nikolaus are forbidden to be sold to idolaters. (13b3 – 13b4)

#### DAILY MASHAL

The Holy Kotzker Rebbe asks, "Why did Hashem forgive the nation the sin of worshipping the golden calf even though we do not find that they repented for their sin, and not forgive the sin of the spies (Bmidbar 14:29) even though they regretted their sin?" He answers that even though the sin of the golden calf was devastating, nevertheless the bnei Yisroel were in pursuit of spirituality, "Kum assei lonu elohim." This was not the case with the sin of the spies where they sinned in pursuit of imagined physical gains only.